



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-41

August 12, 2004

Robert Parmenter
102 Main St Apt 2
Charlestown, MA 02129

RE: DES Wetlands File #2000-01096 Cow Island, Tuftonboro

Dear Mr. Parmenter:

On June 23, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Tuftonboro Tax Map 38 as Lot 2 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, NH Code of Admin. Rules Wt 100-700 and Wetlands and Non-Site Specific Permit #2000-1096 (the "Permit"). The Permit authorized the installation of two fender pilings and two 6' x 30' piers connected by a 6' x 11'11" walkway.

During the inspection and a subsequent review of DES records, the following deficiencies were documented:

An approximately 15 sq ft section of decking had been added to the landward side of the 6' x 11'11" walkway. Two benches were affixed to the walkway and the 15 sq ft decked area. Pursuant to Rule Wt 402.09(c), Structures Disallowed, "structures of the water shall not be allowed for the transfer of any activities usually associated with land, including, but not limited to sunbathing and picnicking."

- 2 Specific Condition 2 of the Permit requires that "This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction." A review of DES records indicates that a copy of the registered permit has not been submitted to DES.

In response, you are requested to take the following actions:

- 1 Within 30 days of the date of this letter please remove the 15 sq ft area of decking added to the landward side of the walkway and detach the benches from the docking facility. Please submit photographs documenting the restoration to DES within 45 days of the date of this letter.
2. Within 30 days of the date of this letter please submit a copy of the registered permit to DES

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely

and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

D. Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL # 7099 3400 0003 0695 2409

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Tuftonboro Conservation Commission
Tuftonboro Board of Selectmen
USACOE
Winnepesaukee Marine Construction Co.